

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BRUCE CORKER d/b/a RANCHO ALOHA;

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION, a
Washington corporation; et al.

Defendants.

CIVIL ACTION NO. 2:19-cv-00290

**MOTION FOR ATTORNEYS'
FEES AND COSTS**

Noting Date: Friday, October 1, 2021

This Court granted Plaintiffs request for reasonable attorneys' fees and costs incurred in responding to Defendant Mulvadi Corporation's ("Mulvadi") Motion for Clarification, and invited Plaintiffs to file a declaration and supporting documentation to establish those fees and costs. Plaintiffs respectfully request an attorney fee and cost award of \$9,096.25.

I. ARGUMENT

A. The Fees and Costs Requested Are Reasonable

Pursuant to the Court's order denying Mulvadi's motion for clarification, Plaintiffs submit the following request for their reasonable attorneys' fees and costs incurred in in connection with Mulvadi's motion and this fee petition.

Fees and costs incurred:

Nathan T. Paine

8.8 hours @ \$520 per hour

\$4,576

Joshua M. Howard	12.2 hours @ \$285 per hour	\$3,477
Jason L. Lichtman	.3 hours @ \$665 per hour	\$199.50
Expert Costs		\$843.75
Total fees and costs		\$9,096.25

i. The hourly rates charged by Plaintiffs' attorneys are reasonable.

The first step of analyzing a fee petition is to ensure that the hourly rates are reasonable. *See, e.g., Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 980 (9th Cir. 2008). Plaintiffs' counsel previously submitted declarations to this Court regarding the reasonableness of their rates, Dkt. 416 at ¶ 18; Dkt. 417 at ¶ 23, in a prior fee petition, which the Court granted, Dkt. 477.

ii. The hours incurred by Plaintiffs' attorneys are reasonable.

The second step in analyzing the fee petition is to ensure the number of hours requested by the attorneys are reasonable. *Jordan v. Multnomah County*, 815 F.2d 1258, 1263 n.8 (9th Cir. 1987).

In this matter, Plaintiffs' counsel spent a total of 21.3 hours relating to Mulvadi's motion for clarification. Paine Decl. at ¶ 6. This included time spent on efforts to obtain Mulvadi's compliance with the Court's second order compelling Mulvadi to produce discovery, review and analysis of Mulvadi's motion, legal research, working with the expert on her declaration in support of the opposition brief, drafting the opposition and supporting papers, and then the drafting of this petition for fees. *Id.* at ¶ 5-6. Plaintiffs' counsel collectively spent a total of 21.3 hours of work for a total of \$8,252.50 in attorney fees relating to Mulvadi's motion for clarification. *Id.* at ¶ 6. In addition, Plaintiffs incurred \$843.75 in costs for 2.25 hours of the expert's time incurred in assisting with the opposition.¹ Plaintiffs' counsel keeps contemporaneous and detailed time records for all time spent in this matter. *Id.* at ¶ 8. Plaintiffs' counsel also reviews and scrutinizes

¹ The expert's qualifications and credentials were submitted to the Court with Plaintiffs' opposition to the motion. *See* Dkt. 507. Plaintiffs' counsel reviewed the time entries from the expert, determined that they were reasonable, and paid the invoice in full. Paine Decl., ¶7.

all time entries to ensure that there is not any excessive, redundant, or otherwise unnecessary time billed. *Id.* The 21.3 hours spent on the issues identified in the time entries were reasonable and necessarily incurred in dealing with Mulvadi's refusal to comply with this Court's order. *Id.*

Notably, despite two unambiguous orders from the Court compelling Mulvadi to produce its complete QuickBooks data to Plaintiffs by September 7, 2021, Mulvadi still has not produced the data. *Id.* Moreover, as detailed in Plaintiffs' opposition to Mulvadi's motion for clarification, Dkt. 505 at 1-4, Mulvadi still has yet to comply with the other terms of the Court's second order compelling discovery.

II. CONCLUSION

For the foregoing reasons, the Court should grant Plaintiffs' Motion for Fees and grant Plaintiffs their reasonable attorneys' fees and costs in the amount of \$9,096.25. A proposed form of an Order is submitted with this Motion.

Dated: September 14, 2021.

KARR TUTTLE CAMPBELL

s/ Nathan T. Paine

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CERTIFICATE OF SERVICE

I, Jan Likit, affirm and state that I am employed by Karr Tuttle Campbell in King County, in the State of Washington. I am over the age of 18 and not a party to the within action. My business address is: 701 Fifth Avenue, Suite 3300, Seattle, Washington 98104. On this day, I caused to be filed with the Court a true and correct copy of the foregoing document via the Court's electronic filing system, which caused service of the document to all parties registered to receive notifications through CM/ECF.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct, to the best of my knowledge.

Dated this, September 14, 2021 at Seattle, Washington.

s/Jan Likit
Jan Likit
Legal Assistant